

REMARKS

In the above-mentioned Office Action, claims 1-17 were rejected and, while objection was made to claims 18-20, the Examiner acknowledged the subject matter of claims 18-20 to recite patentable subject matter. In the rejections of the claims, claims 1, 7-9, and 12-15 were rejected under Section 102(b) over *Gutierrez*, claims 1-2 and 16-17 were rejected under Section 102(b) over *Clemens*, claims 1 and 18-15 were rejected under Section 102(e) over *Martell*, and claims 3-6 were rejected under Section 103(a) over *Clemens*.

The Applicant gratefully acknowledges the Examiner's indication of allowability of claims 18-20. Claim 18 has been amended, as set forth herein, into independent form, claim 16 has been canceled, and claims 17 and 19 have been amended. Claim 17 has been amended to change its dependency, now to be dependent upon claim 18, and claim 19 has been amended now to recite the operation of operating the pump.

Responsive to the rejections of claim 1, variously over *Gutierrez*, *Clemens*, and *Martell*, claim 1 has been amended, in manners, as set forth herein, believed better to distinguish the invention of the present application over each of the references, taken alone or in combination.

Support for the amendments to claim 1 can be found, for instance, on page 7, lines 10-14, page 7, lines 28-29, and page 8, lines 19-21.

Claim 1 has been amended, now to recite that the housing base member has a base-member spindle for supportively engaging the optical media in releasable engagement. While *Gutierrez* discloses a lunch box having two halves 2 and 4 attached to each other by a hinge member 70 and that air can be evacuated by applying a vacuum pump, *Gutierrez* fails to disclose the housing base member having the base-member spindle recited now in claim 1, as-amended. *Gutierrez* merely shows two main cavities 32 and 38 and a recessed area for salt and pepper containers 40 and 42. Because *Gutierrez* fails to disclose the housing base member, as now-recited, claim 1, as-amended, is distinguishable over *Gutierrez*.

Claim 1 has further been amended, now to recite a pump engageable in fluid connectivity with the enclosure for pumping air out of the enclosure. While *Clemens* shows a package for an optical media disk having a base 12 and a cover 14, *Clemens* fails to disclose a pump for pumping air out of the enclosure recited now in claim 1, as amended. *Clemens* merely states that

the disk is enclosed in the package during assembly in an oxygen-free atmosphere or, alternately, the package is assembled on a high production, in-line assembly machine with oxygen purge capabilities. Because *Clemens* fails to disclose the pump engageable in fluid connectivity with the enclosure, claim 1, as now-amended, is distinguishable also over this reference.

Claim 1 has further been amended, now to recite a housing cover member that is hingedly connected to the housing base member.

While *Martell* discloses a main support base and a cover, *Martell* fails to disclose hinged connection of a housing cover member to a base member recited now in claim 1 as now-amended. *Martell* further fails to disclose a housing base member having a base-member spindle, also recited in claim 1, as-amended. Because *Martell* both fails to disclose the hinged connection of a housing cover member to a housing base member and a housing base member having a base-member spindle, claim 1, as now-amended, is distinguishable over *Martell*.

As each of these references fail to disclose structure recited in claim 1, as now-amended, the references, when combined, also fail to disclose the structure recited in claim 1, as now-amended.


As the remaining ones of the dependent claims, dependent upon claim 1, include all of the limitations of their parent claim, these claims are believed to be patentably distinguishable over the references for the same reasons as those given with respect to their parent claim.

Accordingly, claim 18, already acknowledged to recite patentable subject matter, claim 1, as now-amended, and the remaining ones of the dependent claims are believed to be in condition for allowance. Accordingly, allowance of claim 18 and re-examination and reconsideration of allowance of claim 1, as well as the remaining dependent claims, is respectfully requested. Such early action is earnestly solicited.

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Respectfully submitted,

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